

Exhibit 2

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November 22, 2019

Via Email

Jason Reefer, Esq.
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In re: *In re Valsartan Products Liability Litigation*, No. 1:19-md-02875
(Sales and Pricing RFPDs)

Dear Jason:

I write further to the Parties' telephonic meet-and-confer of November 14, 2019, regarding Plaintiffs' Request for the Production of Documents ("RFPDs"). During that call, Defendants requested that Plaintiffs provide examples of documents Plaintiffs believe are responsive to the RFPDs related to certain sales and pricing requests. Without waiving any rights, Plaintiffs provide the below examples of documents.

Request No. 102

Produce all documents and communications relating to your market share for valsartan, or competition for market share for valsartan, in the United States.

Examples of Responsive Documents

- Internal tracking documents analyzing IQVIA or IMS data which show the market share for your valsartan containing drugs ("VCDs") compared to your competitor products;
- Product launch plans for the generic product;
- Weekly, monthly, or quarterly audits for the market share, including TRx count over time, and what percentage that represents in the total market for your generic VCDs;
- Monthly or yearly forecasts;
- SEC documents (such as 10Ks, 10Qs, 20Fs) related to your VCDs, including any and all drafts of those SEC documents;
- New product launch spreadsheets or worksheets;
- Strategic plans and presentations;
- Life cycle forecasts and/or;
- Documents sufficient to show comparisons between budgets for drugs, and actual data ("budgets vs. actuals");

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- Pipeline forecasts and/or presentations;
- Backorder reports;
- Documents detailing the status of shipments into the United States;
- Weekly TRx fill rate documents; and
- Documents or presentations discussing sales profitability.

Request No. 103

All documents and communications relating to negotiations over price and terms of sale or distribution between any defendant and any purchaser or re-seller of valsartan.

Examples of Responsive Documents

- Requests for Proposals (“RFPs”) for chain pharmacies and/or wholesalers;
- Full line bids;
- Specific product offers to wholesalers for VCDs including price change offers;
- Customer lists, and/or target customer lists;
- Lists of sales to wholesalers;
- Lists of sales to chain pharmacies;
- Lists of sales to GPOs (Pharmacy Group Purchasing Organizations);
- Documents sufficient to show reductions as a result of failure to supply product to wholesalers or chain pharmacies;
- Portfolio management programs; and
- Communications and contracts regarding the reimbursement as a result of recalls, including any penalties paid to wholesalers or chain pharmacies as a result of recalls.

Request No. 104

Produce all documents and communications relating to any agreements or arrangements between you and any TPP entity (or any person acting on behalf of a TPP entity) that did, could, or may affect the quantity or price of valsartan purchased (including e.g., rebate agreements, etc.)

Examples of Responsive Documents

- All rebates provided to Pharmacy Benefits Managers (“PBMs”) such as, but not limited to, Express Scripts, OptumRX, Omnicare, Catamaran; Caremark
- Purchasing agreements with PBMs, such as, but not limited to, Express Scripts, OptumRX, Omnicare, Catamaran; and Caremark; and
- Documents regarding any credits, shelf stock adjustments; failure to supply credits provided to any PBMs such as Medco, Express Scripts, OptumRX, Omnicare and Caremark.

Request No. 105

Produce all documents relating to any arrangements between you and any other person or entity that did, could, or may affect the quantity or price of valsartan purchased, including but not limited to rebate agreements.

Examples of Responsive Documents

- Rebate agreements;
- Price reduction offers;
- Profit split agreements with wholesalers and/or chain pharmacies;
- Price protection contracts;
- ‘Most Favored Nation’ contracts;
- Shelf stock adjustments; and
- New product launch generic conversion programs.

Request No. 109

Produce all documents relating to contracts for the sale of valsartan from January 1, 2010 to the present including (a) contracts with direct purchasers; (b) contracts that provide that the purchaser will take delivery of valsartan from another entity (such as a wholesaler); and (c) contracts concerning or regarding the payment of chargebacks.

Examples of Responsive Documents

- Contracts with wholesalers;
- Contracts with chain pharmacies;
- Multisource agreements with wholesalers;
- Preferred Buyer Plans;
- Supply agreements;
- Distributor inventory analyses;
- Contracts with generic sourcing companies such as OneStop (McKesson), or Red Oak (Cardinal); and
- Documents sufficient to show any ‘Most Favored Nation’ contracts.

Request No. 110

Produce complete documentation of the date, manufacturing source, quantity, and recipient of all samples of valsartan provided by defendant.

Examples of Responsive Documents

- Samples of any VCDs provided to MedVantx¹, a company that delivers samples of generic drugs to via a proprietary cabinet at the physician’s office or other start-up companies with similar products; and
- Samples of API provided to potential customers of that API.

¹ Defendant Teva appeared to be a sponsor of the MedVantx drug cabinet initiative.

Please do not hesitate to contact me if you have any questions or wish to further meet-and-confer regarding any of these above-delineated requests.

Sincerely,

KANNER & WHITELEY, L.L.C.

By:



Layne C. Hilton

Cc: Defendants' Counsel (*via email*)
Plaintiffs' Co-Leads (*via email*)
Plaintiffs' PEC (*via email*)